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U.S. DISTRICT COURT
DISTRICT OF MASS.

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November 30, 2006

United States District Court
District of Massachusetts
United States Courthouse
One Courthouse Way
Boston, MA 02120

Attn: Hon. Morris E. Lasker

Re: Mary Smith v. David Nicholson et al
USDC No. 04CV10632MEL
Request for Schedule Dates

Dear Judge Lasker:

As you requested in your letter of November 7, 2006, Counsel have conferred but have been unable to agree on dates of the schedule going forward on this matter.

Earlier, in August of 2004, due to the age of the Plaintiff, my mother, you had admonished us to pursue this action without delay. That has not happened. My mother suffered her injuries on April 6, 2002 and this civil action was filed on April 1, 2004. I continue to be concerned about my mother's age and health and her ability to testify at, and stand the rigors of a Trial. Our extensive discovery has already included significant delays. With that in mind, I tried to propose a schedule that allowed ample time for the various matters. We have been unable to agree.

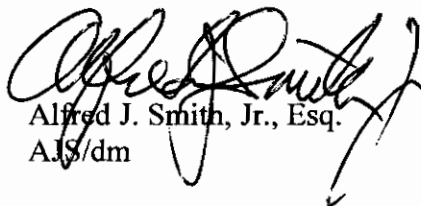
I have included copies of correspondence between Counsel regarding the Schedule. I had requested a schedule that would set the Trial Date for early April, 2007. Following input from Counsel which included suggested Trial Dates of May 1, 2007 or June 1, 2007, I suggested a Trial Date of April 16, 2007. We are still unable to agree on a Schedule and request your assistance.

One further request of the Court. My oldest son is graduating from the United States Air Force Academy in late May of 2007 and our family will be in Colorado from May 27 through June 3, 2007 for his graduation and other ceremonies. Therefore, I would request those dates, and a week on either side of those dates, be considered as time that I am unavailable for a Trial in this matter.

Beyond that time frame, May 20 through June 10, 2007, I will clear my schedule and make myself available to resolve this Matter.

Thank you again for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alfred J. Smith, Jr.", with a stylized flourish at the end.

Alfred J. Smith, Jr., Esq.
AJS/dm

Enclosures

cc: John F. Gleavy, Esq. Via Fax: (508) 230-2510
Bruce R. Fox, Esq. Via Fax: (508) 832-5716
Kim M. Roussos, Esq. Via Fax (617) 523-7602